



PATENT
Customer No. 22,852
Attorney Docket No. 7528.0003-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Todd J. MORTIER et al.) Group Art Unit: 3738
)
Application No.: 09/981,790) Examiner: D. Willse
)
Filed: October 19, 2001)
)
For: VALVE TO MYOCARDIUM) Confirmation No.: 6743
TENSION MEMBERS DEVICE)
AND METHOD)
)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Sir:

Applicants appeal to the Board of Patent Appeals and Interferences from the Examiner's final Office Action mailed on April 18, 2005, and Advisory Action mailed on September 30, 2005.

A Petition for a third month extension of time to extend the period for response to October 18, 2005, is enclosed together with the small entity fee of \$60.00. The enclosed fee represents the difference between the small entity fee for a three month extension of time and the large entity fee for a two-month extension of time already paid. Specifically, on September 19, 2005, with the filing of the Request for Reconsideration After Final, Applicants erroneously paid a large entity fee of \$450.00 for a two-month extension of time. Applicants now pay the difference (\$60.00) between

the previously paid fee (\$450.00) and the small entity fee (\$510.00) required for a three month extension of time. A fee of \$60.00 therefore is enclosed.

The Appeal Fee of \$250.00 for a small entity is enclosed.

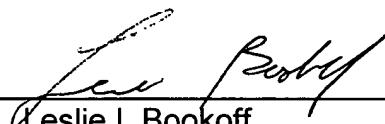
A check for \$310.00 to cover the above-noted fees is enclosed.

Please grant any extensions of time required to enter this Notice and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 17, 2005

By: 
Leslie I. Bookoff
Reg. No. 38,084